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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 BRIAN BORENSTEIN, an individual,  
18  
19 Plaintiff,

20 vs.

21 LEAD ANIMAL SHELTER ANIMAL  
22 FOUNDATION, CLARK COUNTY ANIMAL  
23 CONTROL

24 Defendants.

Case No.: 2:19-cv-00985-APG-DJA

**STIPULATION AND  
ORDER TO STAY CASE, INCLUDING  
DEADLINE FOR AMENDED  
COMPLAINT, PENDING APPEAL**

25 COMES NOW Plaintiff, BRIAN BORENSTEIN, by and through his counsel, Raelene  
26 K. Palmer, Esq. of The Palmer Law Firm, P.C., and Robert S. Melcic, and Defendant, THE  
27 ANIMAL FOUNDATION, by and through its counsel, I. Scott Bogatz, Esq. and Kerry E.  
28 Kleiman, Esq. of the law firm Reid Rubinstein & Bogatz, and hereby requests the Court to stay

1 **this matter**, including the deadline for Plaintiff to file an amended complaint, which deadline is  
2 currently set for January 7, 2020, *see Minute Order* (Doc. No. 18); *Transcript of Proceedings*  
3 (Doc No. 29 at 55:14-56:7), **until 21 days after the decision on appeal is entered in this**  
4 **Court**. The parties are requesting the stay pending the preliminary injunction appeal, which is  
5 currently before the Ninth Circuit Court of Appeals (Case No. 19-17310), because the decision  
6 from the appellate court is likely to affect the parties to be named in the amended complaint, as  
7 well as the causes of action to be included therein. *See In re Cement Antitrust Litig.*, 673 F.2d  
8 1020, 1026 (9th Cir. 1982) (stating, a question is “controlling” if “resolution of the issue on  
9 appeal could materially affect the outcome of litigation in the district court.”).

10 DATED this 6th day of January 2020.

11 THE PALMER LAW FIRM, P.C.

12 By: / s / **Raelene K. Palmer, Esq.**

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18 DATED this 2nd day of January 2020.

19 By: / s / **Robert S. Melcic, Esq.**

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*Brian Borenstein*


DATED this 6th day of January 2020.

REID RUBINSTEIN & BOGATZ

By: / s / **Kerry E. Kleiman, Esq.**

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*Attorneys for Defendant*  
*The Animal Foundation*

25 **IT IS SO ORDERED.**

26  
27   
28 UNITED STATES DISTRICT JUDGE  
Dated: January 6, 2020.